

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RACHELBELL,)	Case No.: 12-CV-06344-LHK
)	
Plaintiff,)	ORDER CONFIRMING DISMISSAL OF
v.)	CALIFORNIA TEACHERS
)	ASSOCIATION ECONOMICS BENEFIT
STANDARD INSURANCE COMPANY;)	TRUST AND GRANTING THE
CALIFORNIA TEACHERS')	PARTIES FEBRUARY 11, 2013
ASSOCIATIONECONOMICS BENEFIT)	STIPULATION
TRUST.,)	
)	
Defendants.)	
)	

In the parties' March 29, 2013 Joint Case Management Statement, the parties note that the Court has not issued an order granting the parties' February 11, 2013 stipulation dismissing Defendant California Teachers Association Economics Benefit Trust ("Teachers Association"). ECF No. 19 at 2 (Joint Case Management Statement); ECF No. 12 (Stipulation). When the parties filed their stipulation, the Teachers Association had not yet served an answer or a motion for summary judgment. Thus, pursuant to Federal Rule of Civil Procedure 41(1)(A)(i), Plaintiff was entitled to dismiss the Teachers Association without a Court order. *See* Fed. R. Civ. Proc. 41(1)(A)(i) ("[T]he plaintiff may dismiss an action without a court order by filing... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment"). Accordingly, on February 12, 2013, the day after the parties filed their stipulation dismissing the Teachers Association, the Teachers Association was terminated on ECF.

To the extent the parties seek confirmation that the Teachers Association was dismissed, the Court confirms that the Teachers Association was dismissed on February 12, 2013. Furthermore, to eliminate any confusion going forward, the Court hereby GRANTS the parties' February 11, 2013 stipulation (ECF No. 12).

IT IS SO ORDERED.

Dated: April 11, 2013



LUCY H. KOH
United States District Judge

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